

KRISTIN L. WALKER-PROBST (State Bar No. 206389)
kristin.walker-probst@wbd-us.com
NADIA D. ADAMS (State Bar No. 270428)
nadia.adams@wbd-us.com
WOMBLE BOND DICKINSON (US) LLP
400 Spectrum Center Drive, Suite 1700
Irvine, California 92618
Telephone: (714) 557-3800
Facsimile: (714) 557-3347

Attorneys for Defendant
OCWEN LOAN SERVICING, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA — SAN JOSE DIVISION

PHYLLIS SANDIGO,

Plaintiff,

vs.

OCWEN LOAN SERVICING, LLC and U.S.
BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR GSAA HOME EQUITY
TRUST 2007-3, ASSET BACKED
CERTIFICATES, SERIES 2007-3 and
DOES 1-100,

Defendants.

Case No. 5:17-cv-02727-BLF

**STIPULATION TO DISMISS ENTIRE
ACTION WITH PREJUDICE AND
[PROPOSED] ORDER**

Hon. Beth Labson Freeman
Ct. No. 3

Action filed: April 11, 2017

Plaintiff Phyllis Sandigo (“Plaintiff”) and Defendant, Ocwen Loan Servicing, LLC (“Ocwen”) (collectively, the “Parties”) hereby enter the following stipulation to dismiss the above-referenced action (“Action”) in its entirety with prejudice (“Stipulation”):

WHEREAS, on April 11, 2017, Plaintiff filed the complaint in this Action against Ocwen and U.S. Bank National Association, as Trustee for GSAA Home Equity Trust 2007-3, Asset Backed Certificates, Series 2007-3 (“U.S. Bank, as Trustee” and collectively with Ocwen “Defendants”) in the Superior Court of the State of California for the County of Santa Clara;

WHEREAS, on May 11, 2017, the Defendants removed the Action to this Court;

WHEREAS, on January 19, 2018, Plaintiff filed the first amended complaint against Ocwen and U.S. Bank;

WHEREAS, on November 1, 2018, Plaintiff dismissed this Action against U.S. Bank, as Trustee without prejudice;

WHEREAS, the Parties have since resolved this Action in its entirety;

WHEREAS, Ocwen attests that it has delivered the full amount of settlement funds to Plaintiff's counsel William E. Kennedy;

THEREFORE, the Parties to this Action, acting through counsel, and pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) hereby stipulate, in consideration of a negotiated resolution between them, to the dismissal of this action with prejudice, including all claims stated against Defendants, with each party to bear its own attorney's fees and costs.

IT IS SO STIPULATED.

Rule 5-1 Certification

Pursuant to Local Rule 5-1(i), the ECF filer of this Stipulation, Kristin Walker-Probst, attests that all other signatories listed below, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

DATED: August 21, 2019

WOMBLE BOND DICKINSON (US) LLP

By: /s/Kristin Walker-Probst
 KRISTIN WALKER-PROBST
 Attorneys for Defendant
 OCWEN LOAN SERVICING, LLC and U.S. BANK
 NATIONAL ASSOCIATION, AS TRUSTEE FOR
 GSAA HOME EQUITY TRUST 2007-3, ASSET
 BACKED CERTIFICATES, SERIES 2007-3

DATED: August 21, 2019

CONSUMER LAW OFFICE OF WILLIAM E.
 KENNEDY

By: /s/ William E. Kennedy
 WILLIAM E. KENNEDY
 Attorneys for Plaintiff
 PHYLLIS SANDIGO

[PROPOSED] ORDER

IT IS SO ORDERED THAT THE STIPULATION IS APPROVED. Having read and considered the foregoing Stipulation, the Court hereby orders the dismissal, with prejudice, of any and all of Plaintiff's claims against the Defendants. Each party will bear their own attorneys' fees and costs incurred in this Action.

DATED: _____

HON. BETH LABSON FREEMAN
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

I am employed in the County of Orange. I am over the age of eighteen years and not a party to the within entitled action; my business address is 3200 Park Center Drive, Suite 700, Costa Mesa, CA 92626-7149.

On **September 10, 2019**, I served a copy of the following document (s) described as **STIPULATION TO DISMISS ENTIRE ACTION WITH PREJUDICE AND [PROPOSED] ORDER** on the interested party(ies) in this action as follows:

Ben Edward Dupre
Dupre Law Firm. P.C.
3567 Benton Street
Suite 171
Santa Clara, CA 95051
408-874-5300
408-727-5310 (fax)
duprelaw@gmail.com

Phyllis Sandigo
(Plaintiff)

William Eric Kennedy
Law Offices of William E. Kennedy
2797 Park Avenue
Suite 201
Santa Clara, CA 95050
408-241-1000
408-241-1500 (fax)
wkennedy@kennedyconsumerlaw.com

Phyllis Sandigo
(Plaintiff)

BY MAIL: By placing a true copy thereof enclosed in a sealed envelope(s) addressed as above, and placing each for collection and mailing on that date following ordinary business practices. I am “readily familiar” with this business’ practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in Costa Mesa, California, in a sealed envelope with postage fully prepaid.

BY OVERNIGHT DELIVERY: I enclosed the document(s) in an envelope or package provided by an overnight delivery carrier and addressed as above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

XXX BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the person(s) at the e-mail address(es) listed above.

BY MESSENGER SERVICE: I delivered a true and correct copy addressed to the persons at the addresses listed above and providing them to a professional service for service/delivery before 5:00 p.m. on the above-mentioned date.

1
2 XXX **FEDERAL:** I declare that I am employed in the office of a member of the bar of this
3 Court at whose direction the service was made. I declare under penalty of perjury under
4 the laws of the United States of America that the foregoing is true and correct.

5 Executed on **September 10, 2019**, at Costa Mesa, California.

6 
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Alison Melanson